

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

Priscilla Sterling, Raine Becker, Shawn Miller, and John Bennett, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

The City of Jackson, Mississippi; Chokwe A. Lumumba; Tony Yarber; Kishia Powell; Robert Miller; Jerriot Smash; and Trilogy Engineering Services LLC,

Defendants.

Civil No. 3:22-cv-00531-KHJ-MTP

**PLAINTIFFS' RESPONSE TO CHOKWE A. LUMUMBA, TONY YARBER, KISHA POWELL, ROBERT MILLER, AND JERRIOT SMASH'S MOTION TO DISMISS THE SECOND AMENDED CLASS ACTION COMPLAINT FOR INJUNCTIVE RELIEF AND MONEY DAMAGES AND/OR FOR QUALIFIED IMMUNITY**

1. On February 5, 2024, the Court dismissed with prejudice Plaintiffs' bodily integrity, state-created danger, and negligence claims against the Individual Defendants. Order [Doc. 97] at 26. The Court dismissed Plaintiffs' bodily integrity claim against the City of Jackson without prejudice, stating "the Court will allow Plaintiffs another opportunity to plead their bodily integrity claim, focusing solely on the misrepresentation allegations." *Id.* at 21. As such, the Court "allow[ed]

Plaintiffs 14 days to replead their bodily integrity claim against the City of Jackson.” *Id.* at 27.

2. On February 20, 2024, Plaintiffs filed their Second Amended Class Action Complaint (SAC). SAC [Doc. 101]. As directed by the Court, Plaintiffs amended their bodily integrity claims against the City of Jackson, focusing on Plaintiffs’ misrepresentation allegations.

3. As directed by the Court, Plaintiffs did not amend their claims against the Individual Defendants. Instead, as stated by Defendants, Plaintiffs’ claims against the Individual Defendants in the SAC are “identical” to those alleged in their First Amended Complaint. Mot. [Doc. 104] at 2. Plaintiffs did not remove their claims against the Individual Defendants to preserve them for potential appellate proceedings. However, Plaintiffs recognize that the Court’s February 5, 2024 Order dismissing with prejudice Plaintiffs’ claims against the Individual Defendants governs.

Dated: March 28, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2024, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

*/s/ Amelia A. Haselkorn*  
Amelia A. Haselkorn

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